

**“BACKGROUND OF THE INVENTION**

**1) Field of the Invention**

**2) Description of the Prior Art**

**SUMMARY OF THE INVENTION AND ADVANTAGES**

**BRIEF DESCRIPTION OF THE DRAWINGS**

**DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT**

**CLAIMS**

**ABSTRACT OF THE DISCLOSURE”;**

a page break immediately before said heading “CLAIMS” in the computer program; and

a page break separating said heading “ABSTRACT OF THE DISCLOSURE” from the remainder of said headings in the computer program; and

a footer for displaying the attorney file identification in the margin of every page of the application; and

the text,

“Other advantages of the present invention will be readily appreciated as the same becomes better understood by reference to the following detailed description when considered in connection with the accompanying drawings wherein:

Figure 1 is ;

Figure 2 is ;

Figure 3 is ;

Figure 4 is ; and

Figure 5 is .”

immediately after the heading “BRIEF DESCRIPTION OF THE DRAWINGS”;

the text,

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“The invention has been described in an illustrative manner, and it is to be understood that the terminology which has been used is intended to be in the nature of words of description rather than of limitation.

Obviously, many modifications and variations of the present invention are possible in light of the above teachings. It is, therefore, to be understood that within the scope of the appended claims, wherein reference numerals are merely for convenience and are not to be in any way limiting, the invention may be practiced otherwise than as specifically described.”

before said page break preceding the heading “CLAIMS”;

and characterized by an independent claim processor for duplicating and storing an independent claim under the heading “SUMMARY OF THE INVENTION AND ADVANTAGES” and for editing the duplicated independent claim copied under the heading “SUMMARY OF THE INVENTION AND ADVANTAGES” into grammatically correct sentence structure including changing “said” to “the” and adding verbs whereby the recitation under the heading “SUMMARY OF THE INVENTION AND ADVANTAGES” is commensurate in scope to said independent claim;

a multiple claim processor for duplicating and storing all of the claims under said heading “DESCRIPTION OF THE PREFERRED EMBODIMENT” for creating the description and for searching and replacing each occurrence of the word “said” in said duplicate set of claims copied under the heading “DESCRIPTION OF THE PREFERRED EMBODIMENT” with the word “the”, and for editing said duplicate set of claims into grammatically correct sentence structure;

a reference number memory for storing successive even numbers beginning with the number ten;

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a Figure number memory for receiving and storing the highest Figure number used to identify Figures of the drawings;

a reference number processor responsive to said Figure number memory for storing the element names of the elements in the order recited in said duplicate set of claims and for searching and replacing each occurrence of each respective element name in the order of occurrence in said duplicate set of claims with said respective element name followed by successive ones of said even numbers beginning with the first number ending in zero following the highest Figure number to provide for the first time identifying reference numerals for said element names in the order of occurrence in said duplicate set of claims and automatically shifting the reference numerals in response to changing the order of occurrence in the duplicate set of claims;

an abstract processor for selecting and storing abstract sentences including said reference numerals from under said heading "DESCRIPTION OF THE PREFERRED EMBODIMENT" and duplicating said abstract sentences under said heading "ABSTRACT OF THE DISCLOSURE"; and

a parenthesis processor for automatically enclosing each reference numeral within parentheses in said claims and in said "ABSTRACT OF THE DISCLOSURE".

21. (New) A method of preparing a patent application with a computer comprising the steps of:

storing a document template in a computer program which contains headings equivalent to:

SUMMARY OF THE INVENTION

DETAILED DESCRIPTION

CLAIMS

**ABSTRACT**

drafting claims for specifically defining the novelty; and  
characterized by duplicating at least one of the claims under the DESCRIPTION  
heading to make sure the description as created in the first instance uses the exact same  
terminology as used in the claims,

editing the duplicate claim copied under the DESCRIPTION heading into  
grammatically correct sentence structure,

storing the element name of the first element recited in the duplicate claim copied  
and edited under the DESCRIPTION heading and shown in the drawings with a first in a  
series of reference numerals,

searching for each occurrence of the first element name and replacing same with  
the first element name followed by the first reference numeral to provide a first  
identifying reference numeral for the first element name,

storing the element name of the second element recited secondedly in the  
duplicate claim copied and edited under the DESCRIPTION heading and shown in the  
drawings with the next sequential number in the series following the reference numeral  
used to identify the first element name,

searching for each occurrence of the second element name and replacing same  
with the second element name followed by the next number to provide a second  
identifying reference numeral for the second element name,

automatically shifting the reference numerals in response to changing the order of  
occurrence of the element names in the duplicate claim copied under the DESCRIPTION  
heading so that the elements are numbered in order of being first recited under the  
DESCRIPTION heading, and

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automatically shifting the reference numerals in response to interleaving an additional element into the duplicate claim copied under the DESCRIPTION heading for changing the order of occurrence of the elements names in the duplicate claim copied under the DESCRIPTION heading so that all numbered elements are numbered in order of being first recited under the DESCRIPTION heading.

22. (New) The method as set forth in claim 21 including drafting the broadest independent claim ending in a novelty clause reciting and isolating the novelty and preceded by at least one clause reciting prior art elements to the extent necessary to support and provide antecedent basis for the novelty clause, storing a duplicate of the novelty clause in the computer program, retrieving the duplicate novelty clause under the heading SUMMARY OF THE INVENTION, and editing the duplicate novelty clause copied under the heading SUMMARY OF THE INVENTION into grammatically correct sentence whereby the SUMMARY OF THE INVENTION is commensurate in scope to the novelty clause in the broadest independent claim.

23. (New) The method as set forth in claim 21 wherein the step of storing the element name of the first element recited in the duplicate claim copied and edited under the DESCRIPTION heading and shown in the drawings is further defined as using a first in the series of reference numerals that is above the highest numeral used to identify a Figure in the drawings.

24. (New) The method as set forth in claim 21 including drafting an abstract under the ABSTRACT heading, and searching for each occurrence of each element name and replacing same with the respective element name followed by the assigned reference

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numeral to provide a reference numeral with the occurrence of each element name recited under the DESCRIPTION and CLAIMS and ABSTRACT headings.

25. (New) The method as set forth in claim 24 including automatically adding parenthesis ( ) about each reference numeral recited in the CLAIMS and ABSTRACT headings.

26. (New) A computer program and a computer comprising:  
a template memory containing a document template containing the headings equivalent to:

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an independent claim processor for drafting claims specifically defining the novelty and for duplicating at least one of the claims under the DESCRIPTION heading to make sure the description uses the exact same terminology as the claims as created in the first instance and for editing said duplicate claim into grammatically correct sentence structure;

a reference number memory for storing the element name of the first element recited in the duplicate claim copied and edited under the DESCRIPTION heading and shown in the drawings with a first reference numeral in a series of reference numerals and for searching for each occurrence of the first element name and replacing same with the first element name followed by the first reference numeral to provide a first identifying reference numeral for the first element name and for storing the element name of the

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second element recited next in the duplicate claim copied and edited under the DESCRIPTION heading and shown in the drawings with the next sequential reference numeral in the series following the first reference numeral and for searching for each occurrence of the second element name and replacing same with the second element name followed by the next reference numeral to provide a second identifying reference numeral for the second element name and for automatically shifting the reference numerals in response to changing the order of occurrence of the element names in the duplicate claim copied and edited under the DESCRIPTION heading so that the elements are numbered in order of being first recited under the DESCRIPTION heading and for automatically shifting the reference numerals in response to interleaving an additional element name into the duplicate claim copied under the DESCRIPTION heading for changing the order of occurrence of the element names in the duplicate claim copied and edited under the DESCRIPTION heading so that all numbered element names are numbered in the sequential order of being first recited under the DESCRIPTION heading.

27. (New) A computer program and a computer as set forth in claim 26 including a Figure number memory for receiving and storing the highest Figure number used to identify Figures of the drawings, said reference number processor being responsive to said Figure number memory for replacing the occurrence of the first recited element name in said duplicate claim with said respective element name followed by the first number ending in zero following the highest Figure number to provide identifying reference numerals for said element names in the order of occurrence in said duplicate claim under the DESCRIPTION heading to avoid duplicating a Figure number as a reference numeral.

28. (New) A computer program and a computer as set forth in claim 26 including a subprocessor for automatically searching for each occurrence of each element name and replacing same with the respective element name followed by the assigned reference numeral with the occurrence of each element name recited under the CLAIMS and ABSTRACT headings along with adding reference numerals to the element names recited under the DESCRIPTION heading.

**REMARKS**

Claims 1, 3, 10, 19 and 20-28 remain in this application with claims 1, 19 and 20, 21 and 26 being independent. Claims 21-28 are newly added.

Applicant wishes to express appreciation for the through examination of this application and the suggestion for amending claims 1, 3, 10, 19 and 20 to overcome the rejection under 35 USC §112. In accordance with the suggestion, the claims have been amended by canceling "patentable" as an adjective to "novelty."

The subject invention is used in the creation of a patent application in contradistinction to the prior art methods that check for errors in the previously and independently created document. The subject method prevents errors from ever occurring in the first instance during creation of the application. This is a subtle but major difference. For example, the prior art is replete with methods of determining the erroneous use of different terminology (element names) for the same element and for the use of the same reference numeral on different elements. In contradistinction, the subject method makes sure that such errors do not occur as the application is being created by duplicating or copying the claims into the description to make sure the exact same terminology (element names) is used in the description as in the claims. In addition, the reference numerals are applied to the element names in order of being first recited in the description, and are re-numbered sequentially in the event the order changes of being first recited in the description. Accordingly, inconsistent or different element names and inconsistent use of element names with different reference numerals is avoided during the creation as distinguished from checking for such errors after the application is complete. See Rivette et al in col.2, ln 31, where "The invention is also very useful for analyzing completed documents."

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None of the references suggest the combination of steps recited in the subject claims. Not one reference suggests copying or duplicating the claims into the description followed by assigning reference numerals in the order of occurrence of the elements in the description. This combination of steps is vital to avoiding errors during the creation of the application as distinguished from the checking and verification taught in the prior art. The limitations of the claims are sought out via hindsight from incidental showings of other steps in the prior art and no one piece of prior art suggests the claimed combination of steps for creating a patent application.

The claims clearly distinguish over the references by reciting the building of an element list and assigning reference numerals in the order of first recitation of the element in the edited duplicate set of claims that build the description; and most importantly, that, should the order of the elements in the edited duplicate set of claims forming the description be changed (from the order in the original duplicated claims), the reference numerals in the element list will shift in response to the shift in the order of first recitation of the numbered elements in the description.

Besides the limitations previously argued as distinguishing in the Appeal Brief submitted November 26, 2005, incorporated herein by reference, none of the references suggest building an element list in the order of first occurrence of the elements in the description with reference numerals assigned in that order and automatically shifting the order of the reference numerals in response to editing which changes the order of first recitation of the elements in the description.

The '840 patent to Rivette et al is relied upon to teach applicant's claimed steps of duplicating a claim into the description followed by assigning reference numerals to the elements in the order of first recitation in the description and thereafter shifting the reference numerals in the event the order of the elements is changed in the description.

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However, the '840 patent to Rivette et al does not remotely suggest such steps. To the contrary, the '840 patent to Rivette et al teaches in col. 15, ln. 52 to col. 16, ln 63, that the already created element name and reference numeral are searched and the computer "assumes" that the element name or terms appearing immediately before the reference numeral comprise the element name to be assigned to the reference numeral. This is made clear in col. 16, ln. 20 of Rivette et al wherein it is stated that the computer "determines the element name for each reference number in the element index table . . ." In other words, the '840 patent to Rivette et al teaches searching for reference numerals already in the description and assuming terms associated with the reference numerals to be the element names. Rivette et al teach an editing system, not a creation system as in the claimed invention. In contradistinction to Rivette et al, the subject invention creates the description with element names used in the claims and positively assigns reference numerals only to specific element names so that the computer does not have to "assume" element names from those already used. In other words, the subject claims distinguish over Rivette et al by assigning reference numerals to element names, i.e., the element name is selected before the reference numeral, whereas Rivette et al assigns element "names" to reference numerals, i.e., Rivette et al selects the reference numeral then assigns an element name.

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In summary, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited.

Respectfully submitted

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March 22, 2006

Date

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**CERTIFICATE OF MAILING**

I hereby certify that this Amendment for Application No. 09/273,021 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to **MAIL STOP: AF**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **March 22, 2006**.



Susan K. Olson

HWM/sko

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